

MONTROSE CITY COUNCIL REGULAR MEETING MINUTES
February 21, 2019

CALL TO ORDER: Mayor Colleen Brown called the regular Council meeting to order at 7:03 p.m. The meeting was held at the Montrose City Office located at 139 S. Saginaw St., Montrose.

ROLL CALL: Present Council Members were Mayor Colleen Brown, Debbie Gross, Christy Sanborn, Robert Arnold, Mayor Pro-Tem Mark Richard, Tom Bigelow and Ryan Heslop. Also present were City Manager Neil Rankin, City Clerk Christina Rush, City Attorney Otis Stout, and 4 citizens.

PLEDGE OF ALLEGIANCE TO THE FLAG: Mayor Brown led the Pledge of Allegiance.

CITIZEN OF THE MONTH

1. *THE MONTH OF DECEMBER 2018, TONY DAOUD:* Mr. Daoud was not present to accept the award.

2. *THE MONTH OF FEBRUARY 2019, EVA GIST:* Eva was recognized for being an outstanding citizen.

3. *CHOOSE A CITIZEN OF THE MONTH FOR THE MONTH OF MARCH:*

- **MOTION** by Gross **SECOND** by Richard to nominate Ryan Persails for the citizen of the month for the month of March. All Ayes. Motion Carried.

4. *CHOOSE A CITIZEN OF THE MONTH FOR THE MONTH OF APRIL:*

- **MOTION** by Arnold **SECOND** by Sanborn to nominate Frank Crosby for the month of April. All Ayes. Motion Carried.

PUBLIC HEARINGS: NONE

PRESENTATIONS

1. *MATT TAYLOR FROM MERS:* Representative from MERS gave an overview of current MERS program plan, defined benefit and defined contribution plans, and answered questions from council about financial benefits of different plans.

2. *NEIL RANKIN CITY INVESTMENTS:* Rankin gave a presentation on the investments the City of Montrose currently has and went over the investment policy.

REPORTS

1. *FIRE & POLICE DEPARTMENT REPORTS:* On file at city office.

2. *SAFEBUILT INSPECTION SERVICES:* Bigelow had a question about a meeting with the tavern owners. Stout reported that the next court date is March 14th.

PUBLIC COMMENTS: Sam Spence commended council on their nomination of Ryan Persails.

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MATTERS OF COUNCIL ACTION

1. APPROVAL OF 1/17/19 REGULAR MEETING MINUTES:

- **MOTION** by Richard **SECOND** by Gross to approve the January 17, 2019 regular meeting minutes as presented. All Ayes. Motion Carried.

2. APPROVAL OF CHECK REGISTER & TREASURER REPORT:

- **MOTION** by Richard **SECOND** by Arnold to approve the bills as submitted. Roll Call Vote: Bigelow – Aye, Sanborn – Aye, Arnold – Aye, Gross – Aye, Richard – Aye, Heslop – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

3. 2018/2019 FISCAL YEAR BUDGET AMENDMENTS: Rankin said there are four budget amendments which include the increase in the police contract and refuse contract. The other two amendments are due to general ledger numbers being coded incorrectly for internet service to the DPW and electrical charges for a crossing signal and the new city building. There was much discussion over a description of why there was an increase in internet services being charged to the manager's general ledger number for internet service. The cost of internet for the DPW was only being charged to water and sewer general ledger number for internet service. Internet service for the DPW is now being divided between water, sewer, and the manager's general ledger numbers. There was never a budget for DPW internet service for the manager's general ledger number. So therefore, the budget for the manager's general ledger number needs to be increased.

- **MOTION** by Bigelow **SECOND** by Arnold to accept the budget amendments. Roll Call Vote: Richard – Aye, Sanborn – No, Heslop – Aye, Arnold – Aye, Bigelow – Aye, Gross – Aye, and Mayor Brown – Aye. One (1) No and Six (6) Ayes. Motion Carried.

4. GENESEE STREET RECONSTRUCTION PROPOSAL PROFESSIONAL SERVICE AGREEMENT:

Rankin said Fleis & Vandenbrink have a professional service agreement with the City of Montrose. This is for the city to engage in the design and engineering of the blocks to the North and South of M-57 on Genesee Street. Estimated costs would be \$36,600 but final construction administration could lower the estimate.

- **MOTION** by Gross **SECOND** by Richard to move forward with the Genesee Street Reconstruction proposal service agreement as presented. Roll Call Vote: Heslop – Aye, Gross – Aye, Sanborn – Aye, Arnold – Aye, Richard – Aye, Bigelow – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

5. MDOT RESOLUTION RE: TRANSPORTATION ECONOMIC DEVELOPMENT FUND CATEGORY B

PROGRAM: Rankin said in December at the Lame Duck session the State approved for this year \$3 million for municipalities who have under 10,000 in population, a \$250,000 match on projects targeting street improvements and incorporating any infrastructure. Rankin said this will help cover for storm water improvements as well as a road project for North and South Genesee Street. Mayor Brown said on February 13th, MDOT put out a call for projects and applications need to be in by April 6th. The project needs to be ready to begin and completed

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by the end of 2019 and must be a municipality under 10,000 people. The City of Montrose meets all of these requirements.

- **MOTION** by Bigelow **SECOND** by Richard to adopt the Resolution # 04-2019. Roll Call Vote: Bigelow – Aye, Heslop – Aye, Sanborn – Aye, Gross – Aye, Richard – Aye, Arnold – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

6. *SET PUBLIC HEARING DATE FOR PORPOSED ORDINANCE NO. 438 RECREATIONAL MARIHUANA ORDINANCE*: Rankin said Planning Board approved last meeting an ordinance to opt out of retail recreational marihuana sales. This would be an ordinance that would coincide with the medical marihuana to opt out of retail sales. At this point only medical facilities can apply for recreational facilities (grow/process/transport) which is still over a year out. There was discussion on gifting and whether to adopt an ordinance on gifting.

- **MOTION** by Bigelow **SECOND** by Arnold to set public hearing for March 21st. All Ayes. Motion Carried.

7. *POSSIBLE APPOINTMENT TO DDA & ZBA*: There is an application from Josh Sincissen for a position on ZBA. Mayor Brown said this is her step son. There is also an application from Malachi Shanks for a position on both DDA and ZBA. Mayor Brown asked Attorney Stout if a person cannot serve on multiple boards and Stout said that is correct. Rush said according to City charter a person cannot serve on two “paying” boards. Someone asked if Malachi could be on both boards. Rush said yes, because DDA is not a paid position.

- **MOTION** by Richard **SECOND** by Arnold to appoint Josh Sincissen to the Zoning Board of Appeals and Malachi Shanks to DDA and Zoning Board of Appeals. All Ayes. Motion Carried.

8. *APPROVAL/DISAPPROVAL OF DEBBIE GROSS’ ABSENCE AT THE 12/20/18 REGULAR CITY COUNCIL MEETING*: Prior to voting, Bigelow said at a previous meeting it was discussed that the mayor has discretion to ask why a member is missing a meeting to help in voting on whether it is a legitimate reason to be missing. Mayor Brown asked Gross if she had a reason why she missed the 12/20/18 meeting. Gross said she was taking care of her mom before she went to Florida and she missed 1/17/19 meeting because she got her Thursdays mixed up. Arnold commented he had asked for how many meetings board members have missed to be included in the packet. He wanted to reinstate the importance of attending the meetings if you can. Every time we have to have a special meeting to rehash issues we are spending money and it is our fiduciary responsibility to use the public’s money wisely and having special meetings cost money. He feels a lot of time they are not necessary. It is very important for everybody to be on the same page and its awful tough when members miss meetings.

- **MOTION** by Richard **SECOND** by Heslop to approve Debbie Gross’ absence at the 12/20/18 meeting. All Ayes. Motion Carried.

9. *APPROVAL/DISAPPROVAL OF DEBBIE GROSS’ ABSENCE AT THE 01/17/19 REGULAR CITY COUNCIL MEETING*: Prior to vote, Richard wanted to make clear the absent list that was included is incorrect. He was absent at two meetings and it was not included on the list.

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- **MOTION** by Richard **SECOND** by Sanborn to approve Debbie Gross' absence. All Ayes. Motion Carried.

10. *APPROVAL/DISAPPROVAL OF CHRISTY SANBORN'S ABSENCE AT THE 01/17/19 REGULAR CITY COUNCIL MEETING:* Sanborn said she was very sick and could not attend the meeting.

- **MOTION** by Gross **SECOND** by Richard to approve Christy Sanborn's absence. All Ayes. Motion Carried.

Rankin asked for three things to be added onto tonight's agenda, poverty exemption guidelines public hearing for Blueberry Park and bid on plow truck.

- **MOTION** by Gross **SECOND** by Richard to add poverty exemption guidelines to the agenda as item 11a. All Ayes. Motion Carried.
- **MOTION** by Bigelow **SECOND** by Arnold to add on the agenda public hearing for input for Blueberry Park for the grant application for Natural Resource Trust Fund as item 11b. All Ayes. Motion Carried.
- **MOTION** by Bigelow **SECOND** by Richard to add item 11c to agenda putting a bid on a plow truck for the DPW. All Ayes. Motion Carried.

11A. *POVERTY EXEMPTION GUIDELINES:* Rankin said the poverty exemption guidelines need to be approved before the March Board of Review.

- **MOTION** by Richard **SECOND** by Arnold to approve the property exemption guidelines as presented. All Ayes. Motion Carried.

11B. *PUBLIC HEARING REGARDING BLUEBERRY PARK:*

- **MOTION** by Arnold **SECOND** by Bigelow to set public hearing date for March 21st. All Ayes. Motion Carried.

11C. *BID ON A PLOW TRUCK FOR DPW:* Rankin said the plow truck the DPW currently has is twenty plus years old and the air tanks are rusting out as well as the dump box. He found a plow truck on Biddery.com and the price of the truck starts at \$500.00. The auction starts on February 26th. He is looking to see if council would be willing to set a maximum bid amount to see if this is something we can try to get. The truck has low miles and is coming from the City of Ferrysburg. They keep their equipment for 10 years and then trade it in. Council directed questions to Neil and Sam Spence on purchasing a plow, if someone from DPW can go look at the truck prior to bidding, and what is the life expectancy of a plow truck.

- **MOTION** by Bigelow **SECOND** by Richard to bid up to \$35,000 if our DPW Supervisor and Neil feel after inspecting it is worth it. Roll Call Vote: Bigelow – Aye, Gross – Aye, Sanborn – Aye, Richard – Aye, Heslop – Aye, Arnold – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

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12. *CITY MANAGER CONTRACT*: Rankin, per direction from last meeting, provided two contracts. One was the contract brought forward at the special meeting and the second contract was for a counter proposal. The changes reflected the terms of services, the leave days and vacation times match what is in the employee handbook, and there is not a severance package. Bigelow said this needs to go to the lawyer for questioning because at the January meeting there was motion by Ryan and seconded by him authorizing the mayor to sign the contract after it was reviewed by Mark, the lawyer, and him. They did and presented the changes for the mayor to sign it with the approval of Neil. Mayor Brown said it was brought to her with changes and she reached out to council members and told them the contract was in front of her with some minor changes, she asked if she should sign or did they want to discuss it. She did not get a unanimous yes to sign. This is what led to continue the discussion at a special meeting. There was discussion about the reason the contract was not signed and why a special meeting needed to be called. Rankin went over his amended contract. He provided council with what Frank Crosby was making when he was a full time manager. Crosby was making \$77,000 a year with benefits. Rankin will be opting out of MERS and healthcare but will receive a reimbursement for opting out of healthcare and requests a salary of \$60,000.00. There was discussion on Rankin's contract over the severance package that was included, and how he is to be the DPW Director as well. Prior to roll call vote there was discussion over Rankin's salary of \$55,000.00 and if the salary is subject to a 40 hour work week or unlimited hours. There was also discussion over an employee being fired for cause and getting 100% of sick and vacation time and whether this should be removed from the contract or just reduced. There was discussion about the hours he should be available outside of business hours and the changes that need to be made to the contract. The contract is to start March 4, 2019.

- **MOTION** by Arnold **SECOND** by Sanborn City Manager's contract counter proposal starting on page 45 in the meeting packet with these met changes: DPW Director duties added to services; page 48 in the separation with cause strike "and unused sick days"; in the separation without cause change "the employee shall receive two weeks severance payment". Roll Call Vote: Bigelow – Aye, Sanborn – Aye, Arnold – Aye, Gross – Aye, Richard – Aye, Heslop – Aye, and Mayor Brown – Aye. All Ayes. Motion Carried.

PUBLIC COMMENTS: NONE

REPORTS FROM BOARDS & COMMISSIONS:

DOWNTOWN DEVELOPMENT AUTHORITY BOARD: NONE

GENESEE COUNTY SMALL CITIES & VILLAGES ASSOCIATION: Mayor Brown said the meeting was in Burton. There was a municipal planner who spoke about redevelopment ready communities and how to go through the process.

GENESEE COUNTY WATER AND WASTE SERVICE'S ADVISORY COMMITTEE: NONE

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GENESEE COUNTY METROPOLITAN ALLIANCE: Richard said in Argentine Township a walking path was being put in and bisecting through someone's property. Concerns about the state of roads came up.

PLANNING BOARD: Richard said rental unit inspections were discussed. He said there is a case in Ohio in Federal District Court and the landlords defeated the municipalities in federal court on having the inspections because they have constitutional rights. If a tenant comes in and complains about a rental property or someone sees something wrong on a rental property then this is considered probable cause.

911 CONSORTIUM: NONE

ZONING BOARD OF APPEALS: NONE (There are still 2 vacancies)

REPORTS FROM CITY MANAGER AND CITY ATTORNEY:

CITY MANAGER: I am working on the MNRTF grant again this year. Hopefully I can have a successful application this round. I will have most of it together at the March meeting. This past week I submitted a proposal to the Jennings Memorial Foundation for the renovation of the Blueberry Park well house. I hope to hear from them in the coming month and hope to start work on this project this spring. I have been out in the snow reminding property owners to shovel their sidewalks and around hydrants. With the melt and sub-zero temps much of the snow has become rock hard ice. The MML Weekender at Frankenmuth is coming up on February 22 and 23 if you signed up.

CITY ATTORNEY: Stout said he put together the deed and the purchase agreement for the sale of the old city building.

MAYOR AND COUNCIL COMMENTS: Bigelow said some communities are putting together where you cannot be driving with your phone in your hand. This might be something we want to look into. Mayor Brown said State Representative Sheryl Kennedy will be at the Jennings Memorial Library from 10:30 until noon this Saturday. Sanborn said thank you to the DPW for snow removal and thank you to Colleen's husband for helping everyone in her neighborhood for the end of their driveways snow removal. Gross wants on next month's agenda to review the policy on attendance of outside meetings, outside our community, including food and hotel stays.

COMMUNICATIONS TO THE COUNCIL: *On File at City Office.*

ADJOURNMENT

- **MOTION** by Gross **SECOND** by Richard to adjourn. All Ayes. Motion Carried.

Mayor Brown adjourned the meeting at 10:31 p.m.

Prepared by City Treasurer, Chrystal Raible